

**MINUTES  
MEETING OF THE  
TENNESSEE COMMISSION ON AGING AND DISABILITY  
THE SHERATON DOWNTOWN HOTEL  
623 UNION STREET  
NASHVILLE, TENNESSEE  
August 4, 2005**

**Members Present:**

Mr. John Arriola  
Mr. Robert Brandon  
Dr. Sun-Hwan Chu  
Ms. Diane Cormell  
Ms. Deborah Cunningham  
Ms. Bettie Davis  
Mr. William Edington (for Wanda Willis)  
Mr. Shelburne Ferguson, Jr.  
Mr. John Fisher  
Mr. Jerry Hill  
Ms. Bonnie J. Howard  
Ms. Deborah Neill  
Mr. Judson Palmer  
Mr. Leonard Price  
Ms. Ruby Stewman  
Ms. Elizabeth Stovall  
Ms. Jacqueline Talley  
Mr. Donald Woodlee

**Members Absent:**

Mr. William Johnson  
Ms. Tam Gordon  
Ms. Judy Eads  
Ms. Wanda Willis  
Sen. Curtis Person  
Rep. Lois DeBerry

Pam Hayden-Wood, Office of the Attorney General, was also present.

Chair Howard called the meeting to order at 9:15 a.m. The roll was called, and attendance is listed above.

Chair Howard asked if there were any corrections, additions, or deletions to the Minutes of the May 2005 meeting.

**Bob Brandon moved approval of the minutes of the May 2005 meeting. The motion was seconded by Deborah Neill and passed.**

**TENNESSEE WHITE HOUSE CONFERENCE ON AGING (WHCoA)**

John Arriola, Chair of the TN WHCoA, highlighted activities of the state-wide event held August 1-3 at the Sheraton Downtown Hotel. Registration, with speakers, indicated approximately 285 in attendance. The small group session reports will be compiled to be submitted to the Office of the National WHCoA to be included in the official report. The general sessions keynote speeches, presentations, and summary of the small group sessions, will be mailed to the Commission members. WHCoA information will be posted on the Commission's Web site.

## LEGISLATIVE REPORT

Mr. Charles Hewgley presented a summary of legislative issues tracked during the 2005 session that are relevant to the Commission. Of the 27 bills tracked, nine were passed, and 18 were not passed this session. Probably the most important are HJR 135 / SJR 57--Resolutions that expressed support of a long-term care system that offers Choices for Care. The national approach is that public policy allows consumers to make choices that will allow funds to follow the needs of the people which may mean the shifting of funding from institutional to in-home care. Resolution is not law, but is a good indication that Legislation will eventually move forward.

Public Chapter 184 requires long-term care facilities to maintain adequate liability insurance and directs the Board for Licensing Health Care Facilities to set requirements for the insurance by rule. In response to a question about whether or not there were penalties for non-compliance, Mr. Hewgley replied that he did not know. Other bills passed are shown below.

Public Chapter 490 instructs the Department of Mental Health and Developmental Disabilities and other state agencies to procure federal grants to encourage employers to provide employment for persons with disabilities and creates a job tax credit for participating employers.

Public Chapter 196 directs the Department of Children's Services and the Commission on Aging and Disability to jointly design and implement a range of services to support elderly caregivers and caregivers of persons with disabilities to participate in the relative caregiver program.

Public Chapter 221 requires state agencies to notify the Department of Health of persons who have committed abuse, neglect, or misappropriation of the property of a vulnerable person in accordance with abuse registry statute.

Public Chapter 289 repeals TCA Section 68-14-302(6) established by Public Chapter 939 (Acts of 2004). The current law exempts senior citizens community centers from regulation as a food service establishment for occasional food sales of 125 hours or less. This law repealed a law that was passed last year.

Public Chapter 231 authorizes home care organizations to act on signed, written physician orders received by fax.

Public Chapter 310 requires state boards, councils, and commissions not attached to an administrative department of state government to create audit committees and encourages the same of other such organizations, and additionally, authorizes audit committees to exercise certain powers.

Public Chapter 158 redefines home for aged to include a place that provides room, board, and personal services to four or more non-related persons. Amendment #1 changes the minimum number of persons for a home to qualify as a home for the aged from "one" to "four."

## HCBS REPORT

Mr. Hewgley presented a status report on HCBS waiver implementation. He reported that the three-year cycle for enrollment was almost half completed (since February 2004) and that we need to enroll between 3-5 people per day. Mr. Hewgley reviewed a report that shows how the waiver is operated and the enrollment projections for the waiver by June 30, 2006, including a summary of projections for increasing enrollment at the Area Agencies on Aging and Disability.

## INTRASTATE FUNDING FORMULA

Don Woodlee, Chair of the Funding Formula Committee, stated the Committee was recommending and moved for the approval for the Formula to be submitted to AoA as presented at the May, 2005, Commission Meeting and asked if there were any questions. **Shelburne Ferguson seconded the motion. Chair Howard asked for a vote by show of hands. The Committee recommendation was approved without objection or abstentions.**

**Mr. Woodlee moved to move forward with the rule-making process for the Funding Formula contingent upon approval by AoA. Shelburne Ferguson seconded the motion. Chair Howard requested a roll call vote.**

<u>Commission Member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>
<u>John Arriola</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Robert Brandon</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Sun-Hwan Chu</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Diane Cornell</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Deborah Cunningham</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Bettie Davis</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Shelburne Ferguson</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>John Fisher</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Bonnie Howard</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>*William Johnson</u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>Judson Palmer</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Leonard Price</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Jerry Hill</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Ruby Stewman</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Elizabeth Stovall</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Donald Woodlee</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>*Tam Gordon</u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>*Judy Eads</u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>Deborah Neill</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>Jackie Talley</u>	<u>X</u>	<u>      </u>	<u>      </u>
<u>William Edington for Wanda Willis</u>	<u>X</u>	<u>      </u>	<u>      </u>

Senator Curtis Person	Ex officio
Rep. Lois DeBerry	Ex officio
*Members Absent	

## STATE PLAN APPROVAL PROCESS

Ruby Stewman, Chair of the State Plan Review Committee, stated the July 1<sup>st</sup> Public Hearing held at the Knowles Senior Center had no recommendations for changes. **Ms. Stewman moved the Committee's recommendation to send the State Plan for approval to the Administration on Aging. Chair Howard asked for a vote, and there were no abstentions or objections.**

## STATUS OF COMPTROLLER'S COMPLIANCE AUDIT

Perry Register reported the Comptroller's office has completed a multi-year compliance audit which is a part of the state's management system. He discussed the draft recommendations, noted that TCAD has been making adjustments as the auditors made recommendations, and is waiting for the final report.

## REPORT ON NATIONAL COMMITTEE ON RURAL HEALTH

Kathy Whitaker summarized the participation of the Tennessee Aging Network at the National Committee on Rural Health. President Bush's Committee on Rural Health and Human Resources, chaired by the Governor of South Carolina, met in Johnson City in June. Nancy Peace, TCAD, and Kathy Whitaker, First Tennessee Area Agency on Aging and Disability, made a presentation on family caregiving in rural areas, with a focus on barriers, best practices, and future directions. Eighteen members of the National Advisory Committee were in attendance. Commission member, Elizabeth Stovall, inquired about the availability of brochures explaining the family caregiver program and Nancy Peace stated that a state-wide brochure could be developed.

## AGING AND DISABILITY RESOURCE CENTER GRANT APPLICATION

Nancy Peace presented an overview of the recent grant application submitted to the Department of Health and Human Services to get funding for an Aging and Disability Resource Center (ADRC) in the amount of \$800,000 over a three-year period. The application is a joint venture of the Center for Medicare & Medicaid Services and the Administration on Aging. The grant application names two pilot projects, one for urban areas (Nashville Area Agency) and one for rural areas (First Tennessee Area Agency) with plans to expand across the state. The goal of the project is to have a single point of entry for accessing services; to decrease the time it takes to get services to consumers following eligibility determination; and to promote a consumer-friendly approach to Home and Community-Based Services. Nancy expressed appreciation for the hard work the two pilot AAAD's and Commission staff did for the compilation and electronic submission of the grant. Tam Gordon had arranged and participated in a conference call with Jim McConnell, the Consultant, and the key partners for the project including F&A DHS, TCAD, and TennCare. Other agencies and organizations provided letters of support and have agreed to serve on the advisory committee for the project. TCAD staff believes the ADRC will assist in further development of Tennessee's Home and Community Based Services programs.

It was noted that TCAD is now registered to use the electronic submission for grants and will be on the distribution list to receive emails for announcements of future grants.

## REPORT FROM THE AREA PLAN COMMITTEE

Ruby Stewman and Nancy Brode reported that all area plans with the exception of one were approved without conditions at the May 2005 Commission meeting. Request for the following was made to be submitted by Aging Services of the Mid-South Area Agency to bring the plan into compliance. 1) submit a list of services to be implemented as a part of the caregiver program, and 2) modify services for grandparents to the family caregiver program. The conditions have now been met, and the plan is now in compliance. Perry Register reported the budget had been revised and was now acceptable. Each Area Agency on Aging and Disability was asked to prepare projections for the number of people to be served in the state-wide HCBS waiver and action steps planned to increase program utilization. Waiver utilization plans were received from each area agency. **Ruby Stewman moved for approval of the Committee's report. There were no abstentions or objections, and the motion was unanimously approved.**

## REPORT FROM THE UNIT COST STEERING COMMITTEE

Perry Register gave a brief summary of the unit cost reimbursement steering committee. In response to a number of service providers and Area Agencies citing issues with implementing unit cost reimbursement for in-home services, a steering committee will be studying the existing methodology. Members of the steering committee include representatives from across the state including Department of Finance and Administration, TCAD financial staff, AAAD Directors and financial staff. A survey is being designed to be disseminated to all in-home services provider agencies for the purpose of compiling information concerning the current approach to unit cost reimbursement. Survey responses will be compiled and analyzed to: identify commonalities between agencies; determine training and technical assistance needs; and obtain input from service providers and administrative lead agencies.

## REPORT OF THE TN4AD

Aaron Bradley presented the following report for the Tennessee Area Agencies on Aging and Disability (TN4AD).

- TN4AD was pleased to be a major sponsor and provide staff support for program development, registration, logistics, sponsorship, and hospitality for the Tennessee White House Conference on Aging (WHCoA) event.
- Four of the AAADs were named as delegates to the upcoming White House Conference on Aging (WHCoA) Conference to be held in Washington, D.C.
- Area Agencies are ready to assist with bringing back the Tennessee Annual Training Conference for all programs and services funded by the Commission.
- Appreciation was extended to the Commission staff for utilizing AAAD staff in several key assignments (i.e., Unit Cost Reimbursement Committee, Cost Allocation, SAMS, etc.).
- Steve Witt, former Acting Director, has been named the new Director of the Southeast Tennessee Area Agency on Aging and Disability, Chattanooga, TN.

## REPORT ON THE ALLIANCE FOR FULL PARTICIPATION

William Edington, Developmental Disabilities Council for the Department of Mental Health, reported on the Alliance for Full Participation. A national agenda has been developed to address increasing public awareness and encouraging people to become more involved in

community developmental disabilities issues. Wanda Willis has been selected as the state chair responsible for the state's planning effort. She has established a team and a number of organizations including the AAAD and TCAD staff for their ideas (i.e., where are future leaders coming from, community membership, etc.). The focus is on policies/practices that improve community awareness and participation in support of individuals with developmental disabilities. A national meeting will be convened for approximately 2,000 delegates to analyze recommendations from across the country.

## ANNUAL REPORT FOR THE OPTIONS PROGRAM

Charles Hewgley presented a PowerPoint update on performance factors for the HCBS Options Program including a review of program performance at the end of the fourth year of operation. A spreadsheet displaying data analysis for I&A telephone Screening and Assessment and the number of persons served each month was discussed. In reference to a question about funding, Mr. Hewgley stated that a budget cut about two years ago did impact the state-funded HCBS and I&A program.

## REPORT ON STAFF/COMMISSION/AAAD MEETING

Nancy Peace reported on staff meetings and updated the Commission on staff vacancies. As a result of the resignations from the Commission of Virginia Acree, representing Northwest, and Connie Griffiths, representing Southeast, letters will be sent to the Advisory Councils from these respective areas seeking nominations for new Commission members by November, 2005. The Commission member training will be held at the TCAD conference room, Andrew Jackson Building, 8<sup>th</sup> Floor, Suite 825, Nashville, TN, and all members are welcome to attend.

Ms. Peace reported the planning process for a state-wide agency network training has been initiated. It was mentioned that input from Commission members was encouraged and Deborah Neill, DHS, expressed interest in participating on the planning committee. Possible training areas mentioned included Ombudsman, Guardianship, Elder Abuse, Nutrition, Senior Centers, HCBS, I&A, SHIP, SMPP, Mental Health, VA, Developmental Disabilities, Finance, etc. The projected time for the state-wide training is the Spring of 2006 with Knoxville being the city, and facilities were being explored such as the Knoxville Convention Center.

## EXECUTIVE DIRECTOR'S REPORT

The Executive Director referenced "Activity Highlights – Staff Report" included in Commission members' notebooks.

Highlights were pointed out as follows:

- Recent TennCare meetings have been very productive. TennCare has convened a meeting of the Dept. of Human Services (DHS) and waiver providers from across the state. TennCare has convened a Committee to review and make recommendations for improvements to the pre-admission screening (PAE) tool. TCAD has processed and submitted service provider contracts to TennCare provider relations and administrative lead agency contracts have been renewed for the upcoming year.
- TCAD looks forward to working with Rebecca Kelly in her new roles as AARP Director for Tennessee.
- TCAD's Alzheimer's Research Demonstration Grant was renewed for another three years.

- TCAD has submitted a grant application to DHHS for funding of an Aging & Disability Resource Center.
- Internal activities reported include:
  - Staff changes include the retirement of Sandra Smith, Community Services Supervisor who was an employee of the Commission for 32 years.
  - Quality Assurance (QA) employee, Kisagwa Muggu, transferred to the Department of Mental Health.
  - Under the supervision of Kathy Zamata, the QA staff put together a QA Manual and has planned visits across the state.
  - Information & Assistance (I&A) coordinator, Jerry Blasingame, has made field visits to AAAD I&A programs.
  - Lucy Utt, State Health Insurance Assistance Program (SHIP), has been assisting and counseling people who have lost TennCare, etc.
  - Due to an increase in funding, the SHIP Program will be recruiting part-time assistance. Recent TennCare issues coupled with confusion over Medicare has increased phone calls and demand on the staff.

Diane Cornell distributed copies of recently published Resource Directories from the Southeast Area Agency on Aging and Disability.

#### REPORT OF TCAD CHAIR

Chair Howard shared information from the Assistant Secretary for Aging, U.S. Department of Health and Human Services, Josefina Carbonell's speech that was delivered at the WHCoA event on Tuesday, August 2nd, in particular the Medicare Modernization Act (MMA). The MMA will provide a Medicare prescription drug benefit nationwide, to every person with Medicare regardless of how they pay for their drugs today. The new benefits are the most significant to be added to the Medicare program since it was created forty years ago. Forty-two (42) million people, in five main groups, may be eligible to receive some form of support under the MMA. She added that independence of elderly people is at the center of the mission and the Older Americans Act. Independence in the community is what elderly people prefer and the value of choice is recognized because you cannot have independence without choice. She spoke of providing seniors with options that will allow them to choose where they will live; who will provide care to them when they need it; and also how their assets will be protected and used to support them as they age.

#### UPCOMING ACTIVITIES

Nancy Brode reported that the State Funding Formula needs to be reviewed. Although the state formula does not have to be submitted to AoA for approval, our state rules require that the state formula for distribution of funds for senior centers, home-delivered meals, and homemaker services for older persons be reviewed in the same timeframe as the federal formula. The state formula contains only two factors (60+ and 60+ below poverty). The formula for HCBS funds, based on the number of persons age 18 and older with self care limitations, is also due for review at this time. The Commission is not required to change either formula, but the charge is to review both factors and make decisions on the relevancy of the formulas. Ms. Peace stated that hopefully both federal and state formulas could be transitioned at the same time with the federal formula due to go into effect July 1, 2006. Chair Howard said a new State Funding Formula Committee would be appointed to begin the process.

Chair Howard named the following Commission members to a new Audit Committee: John Arriola, Chair; Judson Palmer; Elizabeth Stovall; Jackie Talley; and Deborah Cunningham.

Chair Howard named the following Commission members to a new State Funding Formula Committee: John Fisher, Chair; Don Woodlee; Leonard Price; Diane Cornell; Bettie Davis; and John Arriola.

#### ADJOURNMENT

With no further business before the Commission, Chair Howard adjourned the meeting at 2:30 p.m. The next regularly scheduled meeting will be November 8, 2005.

Respectfully submitted,

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Nancy C. Peace  
Recording Secretary  
Tennessee Commission on Aging and Disability